

E-filing

FILED

OCT 23 2006

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA1 KEVIN V. RYAN (CSBN 118321)
United States Attorney2 MARK L. KROTKO (CSBN 138549)
Chief, Criminal Division4 TIMOTHY P. CRUDO (CSBN 143835)
BRIAN J. STRETCH (CSBN 163973)
5 Assistant United States Attorneys6 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
7 Telephone: (415) 436-7200
Telecopy: (415) 436-7234
8 Timothy.Crudo@usdoj.gov
Brian.Stretch@usdoj.gov9 Attorneys for Plaintiff
10 UNITED STATES OF AMERICA11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION15 UNITED STATES OF AMERICA,) No. CR-00-0505-MJJ
16 Plaintiff,) MODIFIED
17 v.) STIPULATION NO. 5 REGARDING
18 CHARLES W. McCALL, and JAY M.) OFFICERS AND REGISTRATION
19 LAPINE,)
20 Defendants.)21
22 The parties hereby stipulate, for purposes of the trial of this action, that the following
23 facts are conclusively established beyond a reasonable doubt and therefore are not in dispute:24 From December 1, 1997 through January 12, 1999, the defendants Charles McCall and
25 Jay Lapine were officers of HBO & Company. From January 12, 1999 to April 28, 1999 Charles
26 McCall was an officer of McKessonHBOC.27 From December 1, 1997 through January 12, 1999, HBO & Company and McKesson
28 Corp. each had a class of securities registered pursuant to Section 78l of Title 15 of the United

1 States Code. In addition, from January 13, 1999 through April 28, 1999, McKessonHBOC
2 had a class of securities registered pursuant to Section 78l of Title 15 of the United States Code.

3 The parties agree that this stipulation may be admitted into evidence at trial.

5 IT IS SO STIPULATED.

7 DATED: 10-23-02



TIMOTHY P CRUDO
BRIAN J. STRETCH
Assistant United States Attorneys

10 RATED 18/23/05


THEODORE V. WELLS, JR.
Counsel for Mr. McCall

DATED: _____

Marcus Topel, Esq.
MARCUS S. TOPEL
Counsel for Mr. Lapine